

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DANZEL L STEARNS,

Plaintiff,

V.

INMATE SERV. CORP., et al.,

Defendants.

Case No. 1:19-cv-00828

Judge Dan Aaron Polster

MINUTES AND TRANSFER ORDER

The instant case was originally removed from the Crittenden County Circuit Court to the Eastern District of Arkansas on April 10, 2019. Doc #: 1. On April 15, 2019, the Eastern District of Arkansas transferred the case to the Northern District of Ohio based on the first-to-file rule because an earlier related case, *Peters v. Inmate Services Corporation, et al.*, No. 1:17-cv-1660, was pending in front of Judge Gwin. Doc #: 7. However, this case was assigned to me, not Judge Gwin, and Judge Gwin successfully mediated a settlement in *Peters* on April 19, 2019, just four days after this case was transferred to me from the Eastern District of Arkansas. *See Peters* Docket; Doc #: 92. Defendants filed motions to dismiss or transfer the case back to the Eastern District of Arkansas on April 30, 2019 and May 13, 2019. Doc #: 22, 25, and 27. Plaintiff filed an omnibus response on July 1, 2019. Doc #: 31. On July 2, 2019, I held a teleconference with counsel for all parties. During the teleconference, I explained that I was inclined to transfer the case back to the Eastern District of Arkansas because the original reason it was transferred here—as related to the earlier filed *Peters* case—no longer existed because *Peters* had been settled and dismissed.

However, I gave the parties additional time to consider whether they would like my assistance in settling the case before I issued the transfer order and scheduled a follow-up teleconference.

On July 10, 2019, I held the scheduled teleconference attended by counsel for Plaintiffs Mark E. Merin, Paul W. Flowers, Paul J. James, and W. Craig Bashein, counsel for Defendant Inmate Services Corporation Mark Alan Mayfield and John T. McLandrich, counsel for Defendant Christopher L. Weiss Pamela Warnock Blair and Scyld D.T. Anderson, and counsel for Ryan B. Moore John Q. Lewis. During the teleconference, counsel for Inmate Services Corporation indicated that they were not in a position to mediate the case at this time.

Accordingly, this case is hereby **TRANSFERRED** to the Eastern District of Arkansas.

IT IS SO ORDERED.

/s/ Dan Aaron Polster July 11, 2019
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE